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PTO/SB/21 (09-04) (AW 10/2004)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/815,160
	Filing Date	03/31/2004
	First Named Inventor	Brian E. Dalton
	Art Unit	3732
	Examiner Name	
Total Number of Pages in This Submission 9	Attorney Docket No.	BBM-118US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1 pg. Statement Under 37 CFR 3.73(b); 6 pg. copy of Assignment as previously filed
<b>Remarks:</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	RatnerPrestia		
Signature			
Printed Name	Jonathan H. Spadt		
Date	1/13/2005	Registration No.	45,122

CERTIFICATE OF TRANSMISSION / MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or Printed Name	Denise Morgan	Date	1/13/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Brian E. DaltonApplication No./Patent No.: 10/815,160Filed/Issue Date: 03/31/2004Entitled: BONE FIXATION ASSEMBLY AND METHOD OF SECUREMENTAESCLAP Inc. a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; OR
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Dirk M. Kuyper

Printed or Typed Name

President

Title

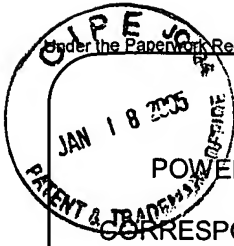
Date

1/7/05  
610-797-9300

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**POWER OF ATTORNEY  
AND  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/815,160
Filing Date	03/31/2004
First Named Inventor	Brian E. Dalton
Title	Bone Fixation Assembly and Method of Securement
Art Unit	3732
Examiner Name	
Attorney Docket Number	BBM-118US

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

**23122**

**OR**

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

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Individual Name

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	Dirk M. Kuyper	Date	
Name		Telephone	
Title and Company	President, Aesculap Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## FAX FILING IN U.S. PATENT & TRADEMARK OFFICE

DATE: 11/30/2004

TIME: \_\_\_\_\_

TO:	Assignment Recordation Services FAX NO.:	703-306-5995
FROM:	Ellen E. Fielitz	ADMIN. ASST.: Denise Morgan
APPLN. NO.:	see attached	ATTY. DOCKET NO.:
TITLE OF APPLN.:		
FILING DATE:	ART UNIT:	
FIRST INVENTOR:	CONF. NO.:	
TITLE OF DOCUMENT (and List of Attachments): 1 pg. PTO-1595; 1 pg. Credit Card Payment Form		
2 pg. Assignment; 2 pg. Faxcoversheet		

Total Number of Pages: 6 (including this form)

### COMMENTS

### CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT INFORMATION

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**Please notify us immediately if you have not received the number of pages indicated above.**

APPLN. NO.:	10/615,196	ATTY. DOCKET NO.:	BBM-115US
TITLE OF APPLN.:	Spinal Stabilization Implant and Method of Application		
FILING DATE:	07/07/2003	ART UNIT:	3731
FIRST INVENTOR:	Brian E. Dalton	CONF. NO.:	8029

APPLN. NO.:	10/731,625	ATTY. DOCKET NO.:	BBM-117US
TITLE OF APPLN.:	Bone Fixation Assembly and Method of Securement		
FILING DATE:	12/9/2003	ART UNIT:	3732
FIRST INVENTOR:	Brian E. Dalton	CONF. NO.:	4716

APPLN. NO.:	10/815,160	ATTY. DOCKET NO.:	BBM-118US
TITLE OF APPLN.:	Bone Fixation Assembly and Method of Securement		
FILING DATE:	03/31/2004	ART UNIT:	3732
FIRST INVENTOR:	Brian E. Dalton	CONF. NO.:	8191

APPLN. NO.:	10/832,928	ATTY. DOCKET NO.:	BBM-116US
TITLE OF APPLN.:	Spinal Stabilization Implant and Method of Application		
FILING DATE:	04/27/2004	ART UNIT:	3732
FIRST INVENTOR:	Brian E. Dalton	CONF. NO.:	5536

APPLN. NO.:	10/788,098	ATTY. DOCKET NO.:	BBM-119US
TITLE OF APPLN.:	Polyaxial Locking Screw Plate Assembly		
FILING DATE:	02/26/2004	ART UNIT:	3738
FIRST INVENTOR:	Brian E. Dalton	CONF. NO.:	7880

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)/Execution Date(s):**

Brian E. Dalton

Execution Date(s) 10/09/2004

Additional name(s) of conveying party(ies) attached? ☐ YES ☒ NO

**2. Name and address of receiving party(ies):**

Name: Aesculap Inc.

Internal Address: \_\_\_\_\_

Street Address: 3773 Corporate Parkway

City: Center Valley

State: PA

Zip: 18034

Country: \_\_\_\_\_

Additional name(s) & address(es) attached? ☐ YES ☒ NO

**3. Nature of Conveyance:**

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Correction of Assignment Recordation  
(previously recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_).  
☐ Other

**4. Application or patent number(s):** ☐ This document is being filed together with a new application.

A. Patent Application Number(s) 10/615,196;  
10/731,625; 10/815,160; 10/832,928; 10/788,098

B. Patent Number(s) \_\_\_\_\_

Additional number(s) attached? ☐ YES ☒ NO

**5. Name and address of party to whom correspondence concerning document should be mailed:**

Name: Jonathan H. Spadt  
Internal Address: RatnerPrestia

☐ Street Address: Suite 301  
One Westlakes  
Berwyn, P.O. Box 980  
City: Valley Forge State: PA  
ZIP: 19482-0980

OR

☐ Street Address: Nemours Building  
1007 Orange Street  
Suite 1100, P.O. Box 1596  
City: Wilmington State: DE  
ZIP: 19899

**6. Total number of applications and patents involved:**

5

**7. Total fee (37 CFR 1.21(h) & 3.41):** \$ 200.00

- ☒ Authorized to be charged by credit card  
☐ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card - Last 4 Numbers 1003  
Expiration Date 03/2006

b. Deposit Account Number \_\_\_\_\_  
Authorized User Name \_\_\_\_\_

9. Signature: Ellen E. Fielitz 11/30/04  
Signature Date

Ellen E. Fielitz  
Name of Person Signing

54,746  
Registration Number

Total number of pages including  
cover sheet, attachments and  
documents: 6

PATENT  
ASSIGNMENT

In consideration of One Dollar (\$1.00) and of other good and valuable consideration, the receipt of which is hereby acknowledged, BRIAN E. DALTON., an adult individual (referred to herein as "ASSIGNOR") having his principal place of business located at 333 State Street, Erie, PA 16507, hereby assigns, transfers, and delivers to AESCULAP INC., a California corporation, having a principal place of business located at 3773 Corporate Parkway, Center Valley, Pennsylvania 18034, its successors and assigns (collectively referred to herein as "ASSIGNEE") all of its right, title and interest in and any and all subject matter of the invention(s) disclosed in the following patent applications:

Patent Application Serial Nos. U.S. Serial No. 10/615,196, U.S. Serial No. 10/731,625 and U.S. Serial No. 10/815,160, U.S. Serial No. 10/832,928 and U.S. Serial No. 10/788,098.

and in and to the said applications, all continuations, continuations in part and divisions thereof, and the exclusive right to make application for patents, reissues, renewals and extensions thereof, and in and to all patents and all Convention and Treaty rights of all kinds, in the United States of America and all other countries throughout the world, for all such subject matter. ASSIGNOR requests the applicable official having authority to issue patents or corresponding rights to issue same on the subject matter of the said invention(s) to ASSIGNEE and, if called upon by ASSIGNEE or its legal representatives, ASSIGNOR agrees to promptly sign all documents necessary to secure all such patents and rights and for issuance of same to ASSIGNEE.

ASSIGNOR warrants that it has all right, title, and interest in and to the subject matter transferred under this Assignment.

ASSIGNOR confirms that it has not made any agreement in conflict with this Assignment. ASSIGNOR further agrees that, at no expense to ASSIGNOR (except as may be required in the written agreement with ASSIGNEE), it will provide information within its knowledge or belief, and do all other relevant things that ASSIGNEE or its legal representatives deem necessary or desirable and request of it in connection with obtaining or maintaining, or in connection with any proceeding, controversy or litigation pertaining to, any such patents, or in order to perfect and/or enforce ASSIGNEE's ownership of the right, title and interest conveyed by this Assignment, or in connection with this Assignment, without payment of consideration to it beyond that called for in my written agreement with ASSIGNEE.

Date: October 9<sup>th</sup>, 2004

  
\_\_\_\_\_  
Brian E. Dalton

Witness as to ASSIGNOR: Mary E. Terrey

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF *Crawford* :

On this, the 9<sup>th</sup> day of October, 2004 before me, a Notary Public, the undersigned, personally appeared, Brian E. Dalton, M.D., known to me (or satisfactorily proven) to be the person whose name is ascribed to the within and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Mary E. Terregino*  
\_\_\_\_\_  
Notary Public

[Notarial Seal]

